

AMENDED IN SENATE AUGUST 15, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 580

Introduced by Assembly Member Davis

February 16, 2011

~~An act to add Chapter 3.9 (commencing with Section 8680) to Part 6 of Division 1 of Title 1 of the Education Code, relating to civil rights education. An act to amend Sections 51204.5, 51500, 51501, 60040, and 60044 of the Education Code, relating to pupil instruction.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 580, as amended, Davis. ~~Civil rights education: California Civil Rights Education Advisory Committee. Pupil instruction: content.~~

(1) *Existing law requires instruction in social sciences to include a study of the role and contributions of both men and women and specified categories of persons to the economic, political, and social development of California and the United States.*

This bill would instead require that instruction to include a study of the role and contributions of people of all races, colors, genders, sexual orientations, national origins, religions, and marital statuses, including, but not limited to, those specified categories of persons, but with updated references, and additionally including European Americans, lesbian, gay, bisexual, and transgender Americans, persons with disabilities, and members of other cultural groups, to the economic, political, and social development of California and the United States. To the extent this bill would impose additional requirements on school districts, this bill would impose a state-mandated local program.

(2) *Existing law prohibits instruction or school district-sponsored activities that promote a discriminatory bias because of disability,*

gender, nationality, race or ethnicity, religion, sexual orientation, or association with a person or group with one or more of these actual or perceived characteristics. Existing law prohibits the State Board of Education and the governing board of any school district from adopting textbooks or other instructional materials that contain any matter that reflects adversely upon persons because of their race, sex, color, creed, handicap, national origin, or ancestry.

This bill would revise the list of characteristics included in these provisions by referring to race, ethnicity, color, national origin, marital status, gender, religion, disability, nationality, and sexual orientation, or other characteristic listed, as specified.

(3) Existing law requires governing boards of school districts, when adopting instructional materials for use in the schools, to include instructional materials that accurately portray the role and contributions of culturally and racially diverse groups, including Native Americans, African Americans, Mexican Americans, Asian Americans, European Americans, and members of other ethnic and cultural groups to the total development of California and the United States.

This bill would instead require governing boards of school districts to include instructional materials that accurately portray the role and contributions of people of all races, colors, genders, sexual orientations, national origins, religions, and marital statuses, including, but not limited to, those groups listed above, and additionally including Pacific Islanders, lesbian, gay, bisexual, and transgender Americans, and persons with disabilities. To the extent this bill would impose additional requirements on school districts, this bill would impose a state-mandated local program.

(4) Existing law prohibits a governing board of a school district from adopting instructional materials that contain any matter reflecting adversely upon persons because of their race, color, creed, national origin, ancestry, sex, handicap, or occupation, or that contain any sectarian or denominational doctrine or propaganda contrary to law.

This bill would revise the list of characteristics included in this prohibition to include race, ethnicity, marital status, religion, disability, nationality, sexual orientation, and occupation, or other specified characteristic.

(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

~~Existing law establishes the system of public elementary and secondary schools in this state. Existing law establishes courses of study to be pursued by elementary and secondary school pupils. The State Department of Education is required to incorporate, into publications that provide examples of curriculum resources for teacher use, those materials that are age-appropriate and consistent with subject frameworks on history and social science that deal with civil rights, human rights violations, genocide, slavery, and the Holocaust.~~

~~This bill would establish the 14-member California Civil Rights Education Advisory Committee in the State Department of Education. The bill would require the advisory committee to study and review the history-social science framework developed by the History-Social Science Curriculum Framework and Criteria Committee of the state board, and advise the state board and the Curriculum Development and Supplemental Materials Commission on the inclusion of civil rights education in the history-social science framework and criteria for evaluating instructional materials.~~

~~The bill would specify the leaders of the entities responsible for the appointment of the members of the advisory committee. The bill would provide that members of the advisory committee would receive no compensation for their services, but would be reimbursed for the expenses they incur while performing their duties. The State Department of Education would be authorized to apply for, and receive, gifts and grants from public and private sources for purposes of supporting the expenses incurred in operating the advisory committee.~~

~~Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no-yes.~~

The people of the State of California do enact as follows:

- 1 *SECTION 1. Section 51204.5 of the Education Code is amended*
- 2 *to read:*
- 3 51204.5. Instruction in social sciences shall include the early
- 4 history of California and a study of the role and contributions of
- 5 ~~both men and women, black Americans, American Indians,~~
- 6 Mexicans, Asians, Pacific Island people, and other ethnic groups

1 *people of all races, colors, genders, sexual orientations, national*
2 *origins, religions, and marital statuses, including, but not limited*
3 *to, men and women, Native Americans, African Americans,*
4 *Mexican Americans, Asian Americans, Pacific Islanders, European*
5 *Americans, lesbian, gay, bisexual, and transgender Americans,*
6 *persons with disabilities, and members of other ethnic and cultural*
7 *groups, to the economic, political, and social development of*
8 *California and the United States of America, with particular*
9 *emphasis on portraying the role of these groups in contemporary*
10 *society.*

11 *SEC. 2. Section 51500 of the Education Code is amended to*
12 *read:*

13 51500. ~~No~~A teacher shall ~~not~~ give instruction ~~nor shall~~ and a
14 school district shall not sponsor any activity that promotes a
15 discriminatory bias *on the basis of race, ethnicity, color, national*
16 *origin, marital status, gender, religion, disability, nationality, or*
17 *sexual orientation, or because of a characteristic listed in Section*
18 *220.*

19 *SEC. 3. Section 51501 of the Education Code is amended to*
20 *read:*

21 51501. ~~No textbook, or other instructional materials shall be~~
22 ~~adopted by the state board or by any governing board~~The state
23 board and any governing board of a school district shall not adopt
24 any textbooks or other instructional materials for use in the public
25 schools ~~which contains~~ that contain any matter reflecting adversely
26 upon persons ~~because of their race, sex, color, creed, handicap,~~
27 ~~national origin, or ancestry~~ *on the basis of their race, ethnicity,*
28 *color, national origin, marital status, gender, religion, disability,*
29 *nationality, or sexual orientation, or because of a characteristic*
30 *listed in Section 220.*

31 *SEC. 4. Section 60040 of the Education Code is amended to*
32 *read:*

33 60040. When adopting instructional materials for use in the
34 schools, governing boards shall include only instructional materials
35 ~~which~~ *that*, in their determination, accurately portray the cultural
36 and racial diversity of our society, including:

37 (a) The contributions of both men and women in all types of
38 roles, including professional, vocational, and executive roles.

39 (b) The role and contributions of *people of all races, colors,*
40 *genders, sexual orientations, national origins, religions, and*

1 *marital statuses, including, but not limited to, Native Americans,*
2 *African Americans, Mexican Americans, Asian Americans, Pacific*
3 *Islanders, European Americans, lesbian, gay, bisexual, and*
4 *transgender Americans, persons with disabilities, and members*
5 *of other ethnic and cultural groups, to the total development of*
6 *California and the United States.*

7 (c) The role and contributions of the entrepreneur and labor in
8 the total development of California and the United States.

9 *SEC. 5. Section 60044 of the Education Code is amended to*
10 *read:*

11 ~~60044. No instructional materials shall be adopted by any~~
12 ~~governing board. The governing board of a school district shall~~
13 ~~not adopt instructional materials for use in the schools which that,~~
14 ~~in its determination, contains contain:~~

15 (a) Any matter reflecting adversely upon persons ~~because of~~
16 ~~their race, color, creed, national origin, ancestry, sex, handicap,~~
17 ~~or occupation on the basis of their race, ethnicity, color, national~~
18 ~~origin, marital status, gender, religion, disability, nationality,~~
19 ~~sexual orientation, or occupation, or because of a characteristic~~
20 ~~listed in Section 220.~~

21 (b) Any sectarian or denominational doctrine or propaganda
22 contrary to law.

23 *SEC. 6. If the Commission on State Mandates determines that*
24 *this act contains costs mandated by the state, reimbursement to*
25 *local agencies and school districts for those costs shall be made*
26 *pursuant to Part 7 (commencing with Section 17500) of Division*
27 *4 of Title 2 of the Government Code.*

28 ~~SECTION 1. The Legislature finds and declares both of the~~
29 ~~following:~~

30 ~~(a) Understanding the important role of the Civil Rights~~
31 ~~Movement in the lives of African Americans and all other~~
32 ~~Americans, and understanding the importance of teaching~~
33 ~~California's children all of our history, it is the goal of the~~
34 ~~Legislature to provide meaningful support to this most important~~
35 ~~endeavor.~~

36 ~~(b) California's role in the struggle for civil rights also needs~~
37 ~~to be formalized and taught as a beacon of hope for all Californians.~~

38 ~~SEC. 2. Chapter 3.9 (commencing with Section 8680) is added~~
39 ~~to Part 6 of Division 1 of Title 1 of the Education Code, to read:~~

~~CHAPTER 3.9. CALIFORNIA CIVIL RIGHTS EDUCATION ADVISORY
COMMITTEE~~

~~8680. (a) The California Civil Rights Education Advisory Committee is hereby established within the department.~~

~~(b) The advisory committee shall study and review the history-social science framework developed by the History-Social Science Curriculum Framework and Criteria Committee of the state board, and advise the state board and the Curriculum Development and Supplemental Materials Commission on the inclusion of civil rights education in the history-social science framework and criteria for evaluating instructional materials. In completing these tasks, the advisory committee may act as a liaison with various entities, including, but not necessarily limited to, the United States Congress, the California Legislature, the National Association for the Advancement of Colored People, as well as other national and international agencies.~~

~~8681. (a) The advisory committee shall consist of 14 members, who shall serve three-year terms. A member shall not serve more than two terms.~~

~~(b) The members of the advisory committee shall be as follows:~~

~~(1) The Superintendent.~~

~~(2) The President of the University of California or his or her designee.~~

~~(3) The Chancellor of the California State University or his or her designee.~~

~~(4) The Chancellor of the California Community Colleges or his or her designee.~~

~~(5) Ten members appointed by the Superintendent, as follows:~~

~~(A) At least two of the members appointed by the Superintendent pursuant to this paragraph shall represent a civil rights organization, including, but not necessarily limited to, the California State Conference of the National Association for the Advancement of Colored People.~~

~~(B) At least five of the members appointed by the Superintendent pursuant to this paragraph shall be teachers at public elementary or secondary schools.~~

~~(c) The members of the advisory committee shall be California residents, and shall be appointed with due regard for broad geographic representation.~~

1 ~~(d) The advisory committee shall have a chairperson, who shall~~
2 ~~be designated from the membership of the advisory committee.~~

3 ~~(e) Members of the advisory committee shall receive no~~
4 ~~compensation for the performance of their duties, but shall be~~
5 ~~reimbursed for the expenses they incur in performing these duties.~~

6 ~~8682. The department may apply for, and receive, gifts, grants,~~
7 ~~and donations from any public or private sources, including, but~~
8 ~~not necessarily limited to, federal funds and private foundation~~
9 ~~grants for purposes of supporting the expenses incurred in operating~~
10 ~~the advisory committee.~~